



ONE BULFINCH PLACE  
BOSTON, MA 02114-2997  
TELEPHONE: (617) 619-4200  
FAX: (617) 619-4317

*The Commonwealth of Massachusetts*

DISTRICT ATTORNEY OF SUFFOLK COUNTY  
DANIEL F. CONLEY

June 9, 2008

Commissioner Edward Davis  
Boston Police Department  
One Schroeder Plaza  
Boston, MA 02120-2014

Re: **October 3, 2005 Shooting Death of Stanley Seney at Intersection of Warrenton and Stuart Streets in Theatre District of Boston**

Dear Commissioner Davis:

The Suffolk County District Attorney's Office has concluded its investigation into the October 3, 2005 shooting death of Stanley Seney after he was fired upon by two Boston Police officers at the intersection of Warrenton Street and Stuart Street in the Theatre District.

As you know, the District Attorney's Office, by statute, has the duty and authority to oversee all death investigations within the City of Boston. As such, the primary goal of our investigation was to determine if any person bears criminal responsibility in connection with Mr. Seney's death.

Our investigation included a review of the extensive report and investigatory materials compiled by the Boston Police Department's Firearm Discharge Investigation Team, led by Lieutenant Detective Robert Harrington. The evidence included taped statements provided by involved officers, taped statements of civilian witnesses, surveillance video from nearby buildings, numerous investigative and field reports, the autopsy report, and relevant ballistics evidence and physical evidence, including the gun fired by Mr. Seney during the incident.

Our legal analysis as to whether or not the actions of the involved police officers could constitute a criminal act was guided by applicable case law and legal precedent on the use of force by law enforcement. To be a lawful use of deadly force, the actions of the officers must be objectively reasonable, in light of all of the facts and circumstances confronting them. The determination of such reasonableness is judged from the perspective of a reasonable officer at the scene rather than the 20/20 vision of hindsight. As stated by the United States Supreme Court, "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation."



Our thorough review of the facts and circumstances surrounding the fatal shooting of Mr. Seney determined that two Boston Police officers fired in self-defense after Mr. Seney fired multiple shots in a crowded parking lot, mortally wounding a man, ignored verbal commands of the officers to drop his gun, and ultimately fired his gun at both police officers. The District Attorney's Office has concluded that the two officers acted reasonably and lawfully, and that no criminal charges are warranted.

On October 5, 2005, just after 2 a.m., following a fashion competition at the *Venu* nightclub on Warrenton Street, a large crowd gathered in the parking lot across the street from the club. The parking lot is bordered by Tremont Street, Warrenton Street, Stuart Street, and the side of the Schubert Theatre. This area had been identified by the Boston Police as problem location when the various nightclubs closed, and a marked unit was specifically assigned to a fixed position in the area. Accordingly, Officers Ebenezer Sealy and Al Young were in uniform positioned in a marked cruiser in front of the New England School of Law at the intersection of Warrenton Street and Stuart Street.

At approximately 2:14 a.m., as a result of a prior dispute inside of the *Venu* nightclub, a heated conversation took place in the parking lot between an unknown black male and a white male later identified as Michael Haywood. At the conclusion of a verbal argument, the two men parted ways. Haywood proceeded to the trunk of a black Audi he had been a passenger in and retrieved a loaded revolver. In an apparent attempt to scare or intimidate the person or persons he had the verbal dispute with, Haywood fired the revolver three times into the pavement while standing outside of his car.

After firing the revolver into the pavement, Haywood got into the back seat of the black Audi. Two female friends were in the front seat and the car began to drive out of the parking lot. At this point, Stanley Seney, pulled out a 9 mm Ruger semi-automatic handgun and fired multiple times into the back seat of the Audi where Haywood was sitting. Five rounds fired from Seney's gun went into the car. Haywood was struck three times. One of the bullets entered his lower back causing mortal injuries. The Audi left the parking lot and traveled to Massachusetts General Hospital where Haywood was treated but was pronounced dead as a result of his injuries.

Hearing the initial sound of gunshots from the parking lot, Officers Sealy and Young broadcast "shots fired" and immediately exited their cruiser and proceeded towards the gunfire. Both officers were in full uniform with their badges clearly displayed on their outer garments. As they approached the parking lot, they heard additional gunshots (presumably Seney firing the fatal shots into the Audi), and separately took cover behind different parked cars outside of the parking lot. Officer Young observed Seney in the parking lot with a gun and yelled to Officer Sealey that the shooter was wearing a "white shirt." At this time, both Officer Sealy and Officer Young yelled verbal commands to the suspect to drop his weapon. These commands were ignored by Seney, who continued to move towards the officers' position while firing his gun.



After observing the officers and ignoring their commands, Seney then pointed his gun at Officer Sealy and fired at least one shot in his direction. Officer Sealy returned fire and discharged his department issued firearm 11 times towards Seney. It remains unclear whether any of the rounds fired by Officer Sealy struck Seney. One of the rounds fired by Officer Sealy likely ricocheted off a car and struck an uninvolved civilian, Jose Villanueva, who had taken cover on the ground near where the Seney was standing.

After exchanging fire with Officer Sealy, Seney turned towards his right and ran onto the sidewalk in the direction of Officer Young who was now seeking cover behind a car on Tremont Street. Officer Young yelled more verbal commands for Seney to drop his gun. Seney ignored the commands and as he crossed back into the parking lot pointed his gun at Officer Young and fired at least one shot in his direction. One of the rounds fired from Seney's gun struck the windshield of the car that Young was using for cover, narrowly missing him. Officer Young returned fire and discharged his department issued firearm five times in the direction of Seney. In the course of the exchange of gunfire between Seney and the two officers, Seney was struck twice. One bullet entered the right side of his chest and caused a through and through wound. The other bullet entered the left side of his head and was recovered during autopsy. Seney was treated at the scene and transported to the hospital where he was later pronounced dead. The cause of death was determined to be the gunshot wound to his head. Due to limited identifiable markings on the one projectile recovered from the body of Mr. Seney, it cannot be stated with a degree of certainty which officer's discharge struck and killed him.

The above facts overwhelmingly support the conclusion that Officer Sealy and Officer Young acted reasonably and lawfully in self-defense and in the defense of other civilians in that crowded parking lot. Officer Sealy and Officer Young discharged their duties as police officers admirably and exhibited great bravery in confronting a gunman who had already fired multiple shots, and in fact, had already shot and killed a man. The officers only fired their weapons when Mr. Seney ignored their repeated commands to drop his gun and in turn fired that gun at both officers. Accordingly, I have determined that criminal charges are not warranted.

Sincerely,

Daniel F. Conley  
District Attorney